

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

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THIS DOCUMENT RELATES TO  
ALL CLASS ACTION

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) MDL No. 1456  
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) CIVIL ACTION: 01-CV-12257-PBS  
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) Judge Patti B. Saris  
)

) Chief Magistrate Judge Marianne B. Bowler  
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**[PROPOSED] ORDER GRANTING PLAINTIFFS'  
MOTION FOR LEAVE TO FILE UNDER SEAL**

THIS MATTER is before the Court on Plaintiffs' motion for leave to file under seal. The Court, having considered all pleadings in support and in opposition thereto, and being fully advised in the premises, hereby

GRANTS Plaintiffs' motion for leave to file Plaintiffs' Reply Memorandum in Support of Class Certification; Plaintiffs' Appendix of Summary Charts in Support of Class Certification; Exhibits 1-2, 4-9 and 11 to the Declaration of Steve W. Berman in Support of Plaintiffs' Reply Memorandum in Support of Class Certification; Rebuttal Declaration of Raymond S. Hartman in Support Plaintiffs' Motion for Class Certification; Plaintiffs' Reply to Astrazeneca Pharmaceutical LP's Individual Memorandum in Opposition to Class Certification; Exhibits 1-24 to the Declaration of Steve W. Berman in Support of Plaintiffs' Reply to Astrazeneca Pharmaceutical LP's Individual Memorandum in Opposition to for Class Certification; Plaintiffs' Reply to Schering-Plough Group's Individual Memorandum in Opposition to Class Certification; Exhibits 3-16 to the Declaration of Steve W. Berman in Support of Plaintiffs' Reply to Schering-

Plough Group's Individual Memorandum in Opposition to Class Certification; Plaintiffs' Reply to Bristol-Myers Squibb's Individual Memorandum in Opposition to Class Certification; Exhibits 1-11 to the Declaration of Steve W. Berman in Support of Plaintiffs' Reply to Bristol-Myers Squibb's Individual Memorandum in Opposition to Class Certification; Plaintiffs' Reply to Johnson & Johnson's Individual Memorandum in Opposition to Class Certification; Exhibits 1-15 to the Declaration of Steve W. Berman In Support of Plaintiffs' Reply to Johnson & Johnson's Individual Memorandum in Opposition to Class Certification; Declaration of Dr. Raymond S. Hartman in Rebuttal to Dr. Halbert L. White; Class Plaintiffs' Memorandum in Support of Their Motion to Strike Declaration of Eric M. Gaier, Ph.D.; Class Plaintiffs' Memorandum in Support of Their Motion To Strike Portions of the Declaration of Robert P. Navarro; Class Plaintiffs' Memorandum in Support of Their Motion to Strike Portions of the Declaration of Steven J. Young; and Exhibits 1-6 and 9-13 to the Declaration of Thomas M. Sobol in Support of Class Plaintiffs' Motions to Strike under seal.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

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Hon. Patti B. Saris  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL** to be electronically filed with the Court pursuant to the December 16, 2004 Order and to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 17, 2004, a copy to Verilaw Technologies for Posting and notification to all parties

By           /s/ Steve W. Berman            
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